

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSHUA I. PAYNE,

Plaintiff

v.

MARGARET GORDON, *et al.*,

Defendants

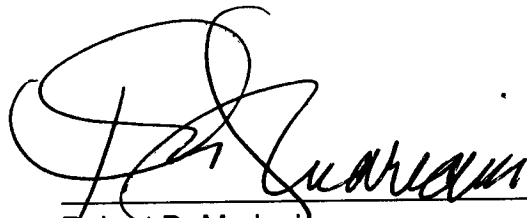
Civil No. 3:17-cv-1230

(Judge Mariani)

**ORDER**

**AND NOW**, this 15<sup>th</sup> day of August, 2018, upon consideration of the Commonwealth Defendants' motion (Doc. 18) for summary judgment, and for the reasons set forth in the Court's Memorandum of the same date, **IT IS HEREBY ORDERED THAT:**

1. The motion (Doc. 18) is **GRANTED** in part and **DENIED** in part, as follows:
  - a. The motion is **GRANTED** to the extent that the Commonwealth Defendants are entitled to Eleventh Amendment immunity from suit for acts taken in their official capacities.
  - b. The motion is **DENIED** to the extent that the Commonwealth Defendants seek dismissal of all claims against them based on failure to exhaust administrative remedies.
2. On or before August 21, 2018, the Commonwealth Defendants shall **FILE** an answer or appropriate pretrial motion addressing the merits of Plaintiff's claims.



Robert D. Mariani  
United States District Judge